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SUMMARY RECORD OF THE 35th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL (Chairman)	(Austria)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS

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1. Mr. RICHARDSON (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the European Community, said that there were 18 million refugees world wide and a comparable number of persons displaced in their own countries in urgent need of assistance from the international community. The member States of the European Community accordingly welcomed the appointment by the Secretary-General of a representative to examine the problems of displaced persons.

2. In Europe, in the former Yugoslavia, more than 3 million people had been forced to leave their homes as a result of the hostilities and the abhorrent practice of ethnic cleansing, which the European Community condemned unreservedly. The work done by the United Nations High Commissioner for Refugees and her staff (UNHCR) in the field to coordinate United Nations activities was highly commendable, as were the efforts of the United Nations Protection Force (UNPROFOR), to which the member States of the European Community were the main contributors.

3. The European Community had helped to alleviate the suffering by contributing almost $187 million and providing food, logistical support and staff. It had also participated in the airlift to Sarajevo and helped UNHCR and the local authorities to prepare for the winter. Although the European Community had accepted more than 320,000 refugees, it considered that most of the people who had had to leave their homes should be given relief as close as possible to their places of origin. The European Community would continue to provide full support and assistance to UNHCR in the former Yugoslavia.

4. In Africa, there were now 6 million refugees, or about one third of the world's total. The scale of the problem in the Horn of Africa was clearly beyond the scope of any one agency. The International Committee of the Red Cross and other non-governmental organizations and United Nations agencies providing assistance there under the direction of the Department of Humanitarian Affairs were accomplishing an exceptional task. Elsewhere in Africa, the appalling drought had exacerbated the difficulties of many displaced persons. The European Community had responded swiftly and

(Mr. Richardson, United Kingdom)

generously to the United Nations humanitarian programmes in Africa and was ready to continue its cooperation.

5. Despite the many emergencies to which it had had to respond, UNHCR had been able to continue to implement voluntary repatriation programmes with the crucial cooperation of UNDP, UNICEF and other development assistance agencies. For example, the international reintegration programme for Vietnamese returnees, formulated on the initiative of the European Community, provided for a combination of returnee aid and development assistance with a view to successful resettlement.

6. In Cambodia, some 150,000 refugees had been repatriated through the skill and imagination of UNHCR. Voluntary repatriation had also begun for the 250,000 refugees from Myanmar now in Bangladesh, but, unfortunately, the Myanmar authorities refused access to United Nations agencies wanting to monitor the return process.

7. Some 1.8 million Iraqi refugees, mostly Kurds, who had been in Iran and Turkey, had returned to their country and, through the efforts of UNHCR and the success of its winterization programme, had been able to rebuild their homes. A large number of Afghan refugees who had been in Iran and Pakistan had also returned to their country. Regrettably, the recent hostilities in Kabul had resulted in a new wave of displaced persons.

8. The UNHCR budget, to which the European Community and its member States had always provided considerable support, had been in excess of $1 billion in 1992. In that context, it should be noted that in table 3 of the High Commissioner's report to the General Assembly (A/47/12), the 1991 total under the heading "Intergovernmental organizations" should be $123,434,409. That amount had been entirely contributed by the European Community and the report should reflect that fact. In 1992, in addition to food aid, logistical support and seconded staff, the European Community had provided more than 40 per cent of UNHCR's total budget. The European Community would continue to provide major financial support to UNHCR and urged all Governments to do likewise.

9. The member States of the European Community were deeply concerned at the ever-increasing number of incidents that endangered the delivery of humanitarian assistance and the security of UNHCR staff. The States concerned should take all necessary security measures to prevent such incidents from occurring.

10. Human rights violations, persecution, foreign invasion and internal conflict were the main reasons why people felt forced to flee their homes. Eliminating them was therefore fundamental for preventing and solving refugee problems, since voluntary repatriation could only succeed if the country of origin provided the necessary conditions for those returning to be reintegrated fully into their society.

(Mr. Richardson, United Kingdom)

11. The UNHCR Executive Committee's Subcommittee of the Whole on International Protection had held a series of meetings during the year. The European Community welcomed the conclusions of the Working Group on the role of UNHCR in the country of origin, temporary and in-country protection, group determination and safety zones.

12. The European Community and its member States remained committed to their obligations under the 1951 Convention relating to the Status of Refugees. There was a growing number of manifestly unfounded asylum requests and persons who had entered the European Community irregularly, ignoring opportunities for protection closer to home. That situation caused delays in the processing of applications for those who genuinely needed the protection of member States and diverted resources which might otherwise be used to address the root causes of refugee flows. Asylum remained an essential option in responding to refugee problems, but it was essential to distinguish between refugees and economic migrants.

13. The international community must redouble its efforts, both nationally and through agencies such as UNHCR, to alleviate the suffering of refugees and to end the situations causing them.

14. Mr. DJIMRANGAR (Chad) said that more than 18 million refugees world wide lived in appalling conditions because of situations caused by armed conflict, extremist tensions and massive human rights violations. The international economic situation, environmental degradation and natural disasters aggravated the situation.

15. In order to address the problems of refugees, UNHCR must have available the required resources to meet increasing demands for aid. Member States must strengthen humanitarian law. The United Nations system, along with the International Committee of the Red Cross (ICRC) and relevant non-governmental organizations, must take coordinated steps to prevent the situations forcing people to leave and to promote voluntary repatriation.

16. Chad supported the new UNHCR strategy that focused on improving response capacity, using every opportunity for voluntary repatriation, and applying preventive measures.

17. In the case of Chad, 449,280 refugees had returned to the country in 1991 and 12,000 more had registered for voluntary return in 1992 and 1993. Chad was grateful to UNHCR for its efforts to repatriate and resettle those refugees in their regions of origin, and thanked donors for their financial and material support.

18. In Chad, the years of war and dictatorship had resulted in a massive exodus to neighbouring countries. Due to the democratization process begun in December 1990, some 900,000 refugees had returned voluntarily. A large number of them, however, had not been registered as refugees in their countries of refuge; consequently, they were not receiving UNHCR resettlement assistance.

(Mr. Djimrangar, Chad)

They, like internally displaced persons, were living in absolute poverty, and the Government of Chad had serious difficulties in meeting their needs for shelter, food and medical care.

19. His delegation reiterated its appeal made on 5 October before the General Assembly for the agencies of the United Nations system and intergovernmental and non-governmental organizations to provide the assistance required to the Government of Chad to enable it to implement its resettlement programme for voluntary returnees and displaced persons.

20. Chad believed that humanitarian assistance to refugees should be accompanied by measures to attack the root causes of that evil and to re-establish and consolidate peace.

21. Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

22. Ms. LAFONTANT-MANKARIOUS (United States of America) said that, one year earlier, the Executive Committee of UNHCR had endorsed the High Commissioner's plan to improve the emergency response capacity of the Office, which included greater flexibility and adequacy of funding, deployment of qualified and trained staff and stockpiling of critical material assistance. Shortly after those measures had been endorsed, emergency situations had arisen exceeding the normal operating capacity of all humanitarian agencies.

23. UNHCR had been able to make a satisfactory response to the refugee crises in the former Yugoslavia, the Horn of Africa and northern Iraq and had coordinated its activities effectively with private agencies, ICRC and other international organizations. The experience gained through those crises must be incorporated into its future plans.

24. UNHCR had also played an important role in providing assistance to refugees from Myanmar in Bangladesh and refugees from Bhutan in Nepal, demonstrating its improved capacity to respond to emergencies.

25. The possibilities for providing protection to refugees had been demonstrated through the UNHCR response to the crisis in the republics of the former Yugoslavia and in northern Iraq. It was likely that the international community would continue to request UNHCR to act in situations of that nature.

26. The United States welcomed the Working Group's Note on International Protection, which had made an important contribution to the international discussion of refugee protection. At the same time, Member States must recognize the constraints on personnel, financing and, perhaps, mandate that would be brought about by the additional responsibilities discussed in the Note. Her delegation encouraged the High Commissioner to continue to develop the concepts outlined in that document, in close cooperation with UNDP, UNICEF, WFP and WHO and other agencies concerned with humanitarian affairs.

(Ms. Lafontant-Mankarious, United States)

27. The United States welcomed the use of UNHCR General Programme funds for voluntary repatriation activities, especially in Angola, Afghanistan and Cambodia. The United States had contributed $38 million to those and other important repatriation programmes.

28. Refugee women and children required special assistance. The United Nations and humanitarian agencies participating in refugee assistance programmes should follow the example of UNHCR and develop policies and guidelines to target their programmes to a beneficiary population largely composed of refugee women and children. It was hoped that the protection of those groups would soon become a significant concern of UNHCR field offices, although unfortunately, some staff showed little interest in that issue. Efforts should continue in order to focus attention of UNHCR staff on the needs of beneficiaries from the planning stage through implementation. Programming errors must be avoided and the relationship between programme planning and the needs and capacities of women and children, constituting the huge majority of refugees, must be strengthened.

29. Officers responsible for the protection of women from sexual abuse must expand beyond their traditional focus and address the question of physical protection. Refugee protection officers should be assigned to the field. The United States welcomed the efforts by UNHCR to improve programming and to incorporate the needs of refugee women and children, and would assist in that effort with financial contributions.

30. With regard to the proposal for cross-mandate approaches to humanitarian emergencies, the United States fully supported the coordinating efforts of the High Commissioner, which were the only way in which the international community could make optimum use of the resources at its disposal to address the tremendous humanitarian problems that it faced.

31. Mr. ANSARI (Pakistan) said that the global refugee population continued to soar and that it was ironical that the countries of asylum were developing countries whose economies could hardly absorb the burden which the refugees represented. While new and urgent refugee situations had become the focus of global attention, long-standing refugee situations, such as that of the Afghan refugees in Pakistan and the Islamic Republic of Iran, continued to require the attention of UNHCR and the international community.

32. Innovative and forward-looking strategies were needed, such as the three-pronged strategy adopted by UNHCR, to address refugee situations resulting from new and complex global problems. He was glad to note that the emergency preparedness and response capacity of UNHCR had been improved. His delegation was of the view that voluntary repatriation should remain the preferred durable solution to the refugee situation and, until such time as that became possible, refugees should be given protection. The reintegration of refugees into their societies needed to be rooted in national development and reconciliation.

(Mr. Ansari, Pakistan)

33. The United Nations had played a commendable role in the peace process and in the establishment of an interim Government in Afghanistan. It was important for the Organization to continue to play an active part in the rehabilitation and reconstruction of that battle-scarred land. Despite the voluntary repatriation of a considerable number of Afghans, many of them still remained in Pakistan. Pakistan continued to provide sustenance to them, despite its own economic limitations. His delegation was deeply concerned at the tapering off of financial assistance from international agencies and donors. If contributions continued to dwindle at the current rate, the facilities which Pakistan extended to the Afghan refugees would be severely disrupted. The decline in assistance was particularly evident in food supplies and resources to meet the cost of transportation, storage and handling of relief goods.

34. It was regrettable that the appeal made by the Secretary-General in June 1992 for $180 million to meet the needs of the voluntary repatriation programme and immediate humanitarian needs had had a lukewarm response and that so far only one third of that amount had been pledged. It was important for the international community to undertake a coordinated effort to ensure that the refugees in Pakistan continued to be looked after and that arrangements were made to facilitate their voluntary return and rehabilitation in Afghanistan.

35. While reviewing its aid programmes, it was important that UNHCR should keep its commitments in view and be realistic. In that regard, he wished to draw the Committee's attention to the 1988 Agreement between UNHCR and Pakistan, under which UNHCR was committed to continue, as required, to extend its assistance to Afghan refugees pending their voluntary return to their homeland. The presence of the Afghan refugees and their livestock in the border areas of Pakistan for about 14 years had caused serious environmental degradation which in some areas might be irreversible. The donors should give urgent attention to that situation. Pakistan would continue to do all within its power to assist the Afghan refugees still in its territory and to facilitate their voluntary repatriation.

36. Pakistan believed that an end should be put to Serbian aggression and that the territorial integrity of Bosnia and Herzegovina should be restored so that the helpless refugees could return to their homeland in safety. It urged the establishment of an international tribunal to prosecute those responsible for the war crimes committed by the Serbian forces, including the genocidal acts of ethnic cleansing. He noted the heavy responsibility of UNHCR and the way in which the agency had responded to the situation, in close cooperation with UNICEF, WHO, ICRC and the United Nations Protection Force (UNPROFOR).

37. With regard to the 1951 Convention relating to the Status of Refugees, it should be recalled that that instrument had been based on events occurring prior to 1951 in Europe. Despite the progress made in the 1967 Protocol, that instrument had failed to rectify the Western bias that the notion of a

(Mr. Ansari, Pakistan)

well-founded fear of persecution should be based only on deprivation of civil and political rights. That standard provided insufficient ground for granting asylum when the life or freedom of an asylum-seeker was endangered by one of the broader causes of flight recognized by the Convention Governing the Specific Aspects of Refugee Problems in Africa adopted by the Organization of African Unity, the Cartagena Declaration on Refugees adopted by the Organization of American States, and even the Universal Declaration of Human Rights. The new instruments and rules adopted by certain developed countries aroused the fear that there might be discrimination between applicants on the basis of their origin. It might be interesting to compare the number of applications for asylum submitted to the developed countries, according to the country of origin of the applicants, and number of the applications accepted by the receiving countries, again according to country of origin. It might also be interesting to make a comparative evaluation of the Dublin Convention and Schengen Agreement, adopted by the European Community, and the 1951 Convention, to ensure that internationally accepted provisions were not being derogated from in practice.

38. Pakistan fully supported the humanitarian endeavours of UNHCR to find durable solutions to the various refugee situations and to provide sustenance and protection to refugees around the world.

39. Mr. KOROMA (Sierra Leone) said that, apart from the immense suffering and personal tragedy inherent in the situation of refugees, it had taken its toll on the limited resources and also on the socio-economic efforts of the developing countries.

40. Since Sierra Leone had opened its towns, villages and homes to over 200,000 Liberians who had escaped the agony of a civil war and had allowed its territory to be used as a base for the peace-keeping operation in Liberia, the leader of one of the factions in the Liberian conflict had infiltrated many of his fighters into Sierra Leone as refugees and had launched an armed insurrection in various parts of the country. As a result, thousands of Sierra Leoneans had lost their lives and hundreds of thousands had become internal refugees. Moreover, tremendous social and ecological depredations had been caused, including the destruction of schools and the burning down of hospitals and clinics, in those areas in which the rebel forces operated. The rebel forces had used narcotic drugs and psychotropic substances to force the induction of young men into their ranks; in order to avoid that, a sizeable number of students had become refugees. Notwithstanding that situation, Sierra Leone had continued to provide support to the large number of Liberian refugees who remained in the country.

41. The Government of Sierra Leone had adopted definitive measures that would allow the refugees and displaced persons to return to their homes as soon as peace returned to the affected areas. In that connection, it had established a National Rehabilitation Committee. He was grateful for the efforts made by various agencies, in particular UNHCR and ICRC, to support the nationals of

(Mr. Koroma, Sierra Leone)

Sierra Leone who had sought refuge in Guinea and those who had been able to return to the country. His delegation urged UNHCR and the other relevant agencies to develop their humanitarian operations and make them more effective.

42. The events in Somalia and Bosnia and Herzegovina had revealed a new dimension to the problem of humanitarian and emergency assistance. In both situations, operations had been carried out in areas where there was no effective control by governmental authorities. The Sierra Leone delegation was of the view that, in situations where sanctions were imposed, exceptions must be made for humanitarian assistance, especially to those most at risk, primarily women and children.

43. With regard to the 1951 Convention, his delegation believed that the notion of international protection and the principles of asylum and non-refoulement must be preserved. He welcomed the increasing role of humanitarian action in international situations and cases of armed conflict. Nevertheless, such intervention must not take place on a selective basis or serve as a pretext for interference in internal affairs prompted by narrow national or regional interests. The principle of national sovereignty must always be borne in mind.

44. Mr. GARRETON (Chile) said that the refugee issue was no longer a concern of specific regions, but a global concern. Accordingly, humanitarian action should be considered from the point of view of a set of variables which made up the concept of international peace and stability.

45. In the first place, there was a need to enhance UNHCR capacity to respond to emergency situations. The strengthening of cooperation between agencies, donor countries and non-governmental organizations was an essential element in that regard. The UNHCR response to such situations was closely linked to the prevailing conditions of security; for that reason, his delegation deemed it appropriate to consider the linkages which could develop between UNHCR activities and United Nations peace-keeping operations.

46. With regard to the pursuit of durable solutions, he drew attention to voluntary repatriation, which could, however, lead to fragile situations if refugees were compelled to return prematurely under less than ideal security conditions.

47. With reference to preventing the circumstances which caused refugee flows, he noted, in particular, such variables as ethnic or religious intolerance, extreme nationalism and the persistence of grave human rights violations. That made it necessary, as a preventive measure, to strengthen coordination between UNHCR and United Nations human rights bodies.

48. Another aspect was the strengthening of international protection. Efforts to establish efficient and fair procedures for the timely recognition

(Mr. Garreton, Chile)

of refugee status and the principles protecting it, such as non-refoulement and non-discrimination, should be encouraged. Chile was especially interested in the debate on those issues which was taking place within UNHCR, as well as the situation of persons who did not meet the requirements of the 1951 Convention, the criteria for the cessation of refugee status and the determination of a safe haven.

49. He urged the promotion of cooperation between Governments, the United Nations and the public. That was of particular significance for the fight against racism and xenophobia. His delegation believed that the time had come to carry out a public information campaign to increase support for the humanitarian principles and values on which UNHCR was based.

50. With regard to the financial aspects, he recalled that, while Chile was not a donor country, any contributions would help to maintain the technical capability of UNHCR to respond to emergencies and to carry out other priority programmes.

51. Mr. Krenkel (Austria) resumed the Chair.

AGENDA ITEM 94: ADVANCEMENT OF WOMEN (continued) (A/C.3/47/L.24)

52. The CHAIRMAN said that draft resolution A/C.3/47/L.24, entitled "Violence against women migrant workers", had no programme budget implications and that, at the time of the introduction of the draft resolution, Australia, Costa Rica, El Salvador, Malaysia, Mexico and Uganda had announced that they had joined the list of sponsors. He drew attention to the amendments proposed at the thirty-second meeting of the Committee.

53. Mrs. LIMJUCO (Philippines) said that, following consultations, it had been decided that paragraph 3 of the draft resolution should remain unchanged and that the first line of paragraph 4 should read as follows: "Calls upon relevant bodies and specialized agencies of the United Nations".

54. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee wished to adopt draft resolution A/C.3/47/L.24, as orally revised, without a vote.

55. Draft resolution A/C.3/47/L.24 was adopted.

56. Mrs. KHAPARDE (India) said that while her delegation had joined the consensus, it believed that there was an undue emphasis in the draft resolution on the duty of the sending countries to protect and promote the interests of their citizens who sought employment in other countries. It should be recognized that migrant workers played an essential role in the development of the receiving countries, and it was only natural that workers should emigrate to those countries because of financial incentives. It was, therefore, incumbent upon the receiving countries to ensure that migrant workers were not subjected to violence and harassment.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (A/47/544; A/C.3/47/5 and A/C.3/47/L.20/Rev.1)

57. Mr. JONAH (Under-Secretary-General of Political Affairs) introduced the report of the Secretary-General on the request to the United Nations to observe the referendum process in Eritrea (A/47/544). The issue under consideration had a long history in the United Nations and a peaceful solution was important for the peace and stability of the countries of the Horn of Africa. For that reason, the Secretary-General had acceded to the request by the Government of Ethiopia and several Member States for his assistance in that difficult process. The events of 1991 could have been resolved by the immediate independence of Eritrea, but the Eritreans had preferred to follow the path of legality, and thus had decided to hold a referendum with the assistance of the United Nations. Since the participation of the United Nations in that process would entail financial implications, it was necessary to obtain the approval of the General Assembly. It was to be hoped that an early decision could be taken on the matter because, as the referendum was scheduled to be held in 1993, it was necessary to begin preparations for it.

The meeting rose at 4.50 p.m.